

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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In re: :
 : In Chapter 13
COLETTE L. JACKSON :
 : Bankruptcy No. 17-12235 (SR)
Debtor. :
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**THE CITY OF PHILADELPHIA'S
OBJECTION TO THE PROPOSED CHAPTER 13 PLAN**

TO THE HONORABLE STEPHEN RASLAVICH:

AND NOW, comes the Water Revenue Bureau & City of Philadelphia, (the "City"), a secured creditor in the above-captioned case, by and through its Counsel, Pamela Elchert Thurmond, Deputy City Solicitor, pursuant to Bankruptcy Code §§ 506(b), 1325(a)(5), and L.B.R. 3015-1(c), to object to the proposed Chapter 13 plan (the "Plan"), of the above-captioned debtor, (the "Debtor"). The City avers the following in support thereof:

1. On or about March 31, 2017, the Debtor filed a voluntary petition (the "Petition") for Chapter 13 bankruptcy with this Court.

2. A list of all real property owned by the Debtor was filed on April 21, 2017, which included the property located at 5830 Haverford Avenue, Philadelphia, Pennsylvania (the "Subject Property"). A copy of the Debtor's Schedule A is attached hereto as **Exhibit A**.

3. The Subject Property is alleged by the Debtor to have a current value of Eighty-Three Thousand Eight Hundred Two Dollars (\$83,802.00). See Exhibit A.

4. On September 6, 2017, the City filed a secured claim amounting Eight Hundred Seventy-Five Dollars (\$875.00) for water repair charges, and on September 6, 2017, filed a secured claim amounting to Five Thousand Three Hundred Sixty-Seven Dollars and Ninety Cents (\$5,367.90) for water usage (collectively referred to as the “Water Claims”) owed by the Debtor to the City for the Subject Property. Copies of the water repair and water usage proofs of claim filed by the City are attached hereto as **Exhibit B** and **Exhibit C**.

5. As neither the Debtor nor another party in interest has objected to the Secured Claim, it is deemed allowed. See 11 U.S.C. § 502(a).

6. On April 21, 2017, the Debtor filed the Plan, which provides a secured payment in the incorrect amount of Zero Dollars (\$0.00) to the City. A copy of the Plan is attached hereto as **Exhibit D**.

7. The Plan should not be confirmed as the City, a secured creditor, has not accepted the plan. See 11 U.S.C. 1325(a)(5)(A).

8. The Plan should not be confirmed as it does not ensure that distributions under the plan are not less than the allowed amount of the Water Claims. See 11 U.S.C. §§ 506(b), 1325(a)(5)(B)(ii), In re Bernbaum, 404 B.R. 39, 42 (Bankr. D. Mass. 2009) and In re Soppick, 516 B.R. 733, 753 (Bankr. E.D. Pa. 2014).

WHEREFORE, the City respectfully requests that this Court DENY confirmation of the Plan.

Respectfully submitted,

THE CITY OF PHILADELPHIA

Dated: September 12, 2017

By: /s/ Pamela Elchert Thurmond
PAMELA ELCHERT THURMOND

Deputy City Solicitor
PA Attorney I.D. 202504
Attorney for the City of Philadelphia
City of Philadelphia Law Department
Municipal Services Building
1401 JFK Boulevard, 5th Floor
Philadelphia, PA 19102-1595
215-686-0508 (phone)
Email: Pamela.Thurmond@phila.gov